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3 BILL NO. S-77-<sup>09-</sup>~~08~~-20

*Vetred*  
*Special Ordinance To # 218-07.*  
4 AN ORDINANCE CREATING CERTAIN POSITIONS,  
5 DISSOLVING CERTAIN POSITIONS AND SETTING  
6 CERTAIN SALARIES IN THE METROPOLITAN  
7 HUMAN RELATIONS COMMISSION OF FORT  
8 WAYNE, INDIANA.

9 WHEREAS, The Metropolitan Human Relations Commission  
10 has applied for, and received a federal contract from the Equal  
11 Employment Opportunity Commission (EEOC) for investigating and  
12 taking legal action on numerous employment discrimination charges  
13 which fall within the jurisdiction of the Metropolitan Human  
14 Relations Commission; and,

15 WHEREAS, the increasing and streamlining of staff is  
16 necessary in order to fulfill said contract; and

17 WHEREAS, such increase and streamlining of staff can  
18 be accomplished at no additional expense to the City of Fort  
19 Wayne; and,

20 WHEREAS, a significant amount of additional time and  
21 effort on the part of current administrative staff is necessary  
22 properly to administer and execute said federal contract,  
23 which time and effort is properly payable out of the funds  
24 derived from said contract.

25 NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL  
26 OF THE CITY OF FORT WAYNE, INDIANA:

27 SECTION 1. That the following staff position shall  
28 be dissolved from said department (the salary monies appro-  
29 priated therefor to be retained for the use of said department  
30 as hereinafter provided):

<u>TITLE</u>	<u>SALARY GRADE</u>	<u>1977 SALARY</u>
Community Relations Representative	10	\$12,847.00

31 SECTION 2. That the following position is created,  
32 at the following grade and rate of pay, as supplemented by the  
33 aforesaid federal monies; provided that, in the event that  
34 said federal contract monies are discontinued or not renewed  
35 the total salary for said position shall be as listed under

the heading below captioned "1977 Civil City Salary", or at such other rate as a future ordinance shall, by then, establish;

PROVIDED FURTHER, that none of said federal money shall be used to fund or supplement any position which ordinarily would have been funded or similarly supplemented by civil city monies:

<u>TITLE</u>	<u>GRADE</u>	<u>1977 CIVIL CITY</u> <u>SALARY</u>	<u>1977 EEOC</u> <u>SALARY</u>	<u>TOTAL 1977</u> <u>SALARY</u>
Staff Attorney	14	\$12,847.00	\$3,153.00	\$16,000.00

SECTION 3. That the following position shall be created, at the following Grade, rate of pay and funding source:

<u>TITLE</u>	<u>GRADE</u>	<u>1977 SALARY, SOLELY</u> <u>FROM EEOC</u>
Assistant Staff Attorney	12	\$12,000.00

SECTION 4. That the following positions shall be newly created with said Federal monies, all at the following grades and rates:

<u>POSITION</u>	<u>GRADE</u>	<u>1977 SALARY</u>	<u>FUNDING SOURCE</u>
Human Relations Representative	10	\$11,357.00	Federal EEOC Contract

SECTION 5. That, in the event funds from said Federal contract are, for any reason, reduced, discontinued or not renewed, only the above new federally funded positions in Section 4 hereof shall be subject to dissolution.

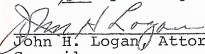
SECTION 6. That, in the event funds from said Federal contract are, for any reason, increased, the Director of the Metropolitan Human Relations Commission may, in his or her discretion (a) open one or more new positions with the same title and grade as listed in Sections 3 and 4 above, (b) employ a Secretary B in Grade 5 at an annual salary of \$7,910.00 to be funded from Federal EEOc Contract, (c) use such additional funds for such supplies, training expenses, or other costs necessary to the fulfillment of said contract; provided further that no use shall be made of any monies from said federal contract which are not in conformity with the terms of said

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3 contract and would, therefore, jeopardize the continuation of  
4 said contract.

5 This Ordinance shall be in full force and effect  
6 from and after its passage and approval by the Mayor.

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Councilman

31 Approved as to form and legality  
32 this 18<sup>th</sup> day of August, 1977.

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34 John H. Logan, Attorney for Common  
35 Council.

Read the first time in full and on motion by \_\_\_\_\_, seconded by

\_\_\_\_\_, and duly adopted, read the second time by title and referred to the

Committee on \_\_\_\_\_ (and the City Plan Commission for

recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers,

City-County Building, Fort Wayne, Indiana, on \_\_\_\_\_, the \_\_\_\_\_ day

of \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M., E.S.T.

DATE: \_\_\_\_\_

CITY CLERK

*Veto sustained by Council - therefore no action taken*  
Read the third time in full and on motion by \_\_\_\_\_,

seconded by \_\_\_\_\_, and duly adopted, placed on its passage.

PASSED (LOST) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	_____	_____	_____	_____	_____
<u>BURNS</u>	_____	_____	_____	_____	_____
<u>HINGA</u>	_____	_____	_____	_____	_____
<u>HUNTER</u>	_____	_____	_____	_____	_____
<u>MOSES</u>	_____	_____	_____	_____	_____
<u>NUCKOLS</u>	_____	_____	_____	_____	_____
<u>SCHMIDT, D.</u>	_____	_____	_____	_____	_____
<u>SCHMIDT, V.</u>	_____	_____	_____	_____	_____
<u>STIER</u>	_____	_____	_____	_____	_____
<u>TALARICO</u>	_____	_____	_____	_____	_____

DATE: \_\_\_\_\_

CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as

(ZONING MAP) (GENERAL) (ANNEXATION) (SPECIAL) (APPROPRIATION) ORDINANCE

(RESOLUTION) No. \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_,

ATTEST: (SEAL)

CITY CLERK

PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the \_\_\_\_\_

day of \_\_\_\_\_, 19\_\_\_\_, at the hour of \_\_\_\_\_ o'clock \_\_\_\_\_ M., E.S.T.

CITY CLERK

Approved and signed by me this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_,

at the hour of \_\_\_\_\_ o'clock \_\_\_\_\_ M., E.S.T.

MAYOR

Read the first time in full and on motion by Serga, seconded by Serga, and duly adopted, read the second time by title and referred to the Committee on Finance (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M., E.S.T.

DATE: 9-27-77

Charles W. Wintersman  
CITY CLERK

Read the third time in full and on motion by Serga, seconded by V. Schmidt, and duly adopted, placed on its passage.

PASSED (~~LOST~~) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	<u>6</u>	<u>3</u>	_____	_____	_____
<u>BURNS</u>	_____	<u>X</u>	_____	_____	_____
<u>HINGA</u>	<u>X</u>	_____	_____	_____	_____
<u>HUNTER</u>	_____	<u>X</u>	_____	_____	_____
<u>MOSES</u>	<u>X</u>	_____	_____	_____	_____
<u>NUCKOLS</u>	<u>X</u>	_____	_____	_____	_____
<u>SCHMIDT, D.</u>	_____	<u>X</u>	_____	_____	_____
<u>SCHMIDT, V.</u>	<u>X</u>	_____	_____	_____	_____
<u>STIER</u>	<u>X</u>	_____	_____	_____	_____
<u>TALARICO</u>	<u>X</u>	_____	_____	_____	_____

DATE: 10/25/77

Charles W. Wintersman  
CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ZONING MAP) (GENERAL) (ANNEXATION) (SPECIAL) (APPROPRIATION) ORDINANCE (RESOLUTION) No. I-218-77 on the 25<sup>th</sup> day of October, 1977.  
ATTEST: (SEAL)

Charles W. Wintersman  
CITY CLERK

John Nuckols  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 26<sup>th</sup> day of October, 1977, at the hour of 11:30 o'clock A. M., E.S.T.

Charles W. Wintersman  
CITY CLERK

Approved and signed by me this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_

at the hour of \_\_\_\_\_ o'clock \_\_\_\_\_ M., E.S.T.

\_\_\_\_\_  
MAYOR

MR GORM  
Jim  
Oct. 18

John Beam

HOLD  
UNTIL  
FROM HEARINGS  
COURTS

MR. LOGAN

Bill No. S-77-09-20

REPORT OF THE COMMITTEE ON FINANCE

We, your Committee on Finance to whom was referred an Ordinance  
creating certain positions, dissolving certain positions and setting  
certain salaries in the Metropolitan Human Relations Commission of Port  
Wayne, Indiana

have had said Ordinance under consideration and beg leave to report back to the Common  
Council that said Ordinance Do PASS.

WILLIAM T. HINGA - CHAIRMAN

JAMES S. STIER - VICE CHAIRMAN

VIVIAN G. SCHMIDT

PAUL M. BURNS

FREDRICK HUNTER

William T. Hinga

James S. Stier  
Vivian G. Schmidt

10-25-77  
DATE



## City Clerk Memorandum

CHARLES W. WESTERMAN, Clerk

To Mayor Robert E. Armstrong Date 10-5-77  
From Charles W. Westerman - City Clerk  
Subject Appearance before Common Council - 10-18-77 -- 7:30 P.M.

COPIES TO:

RE: BILL NO. A-77-09-19

AN ORDINANCE appropriating certain funds from the EEOC "706" contract account to the Metropolitan Human Relations Commission and directing payment of salaries therefrom

RE: BILL NO. S-77-09-20

AN ORDINANCE creating certain positions, dissolving certain positions and setting certain salaries in the Metropolitan Human Relations Commission of Fort Wayne, Indiana

Pursuant to the request of the Standing Committee Chairman of Finance of the Common Council, the presence of Jim Goim - Metropolitan Human Relations Commission, is respectfully requested on October 18, 1977, at 7:30 P.M., Room 128, Common Council Conference Room.

Further information is requested regarding the above ordinances by the Common Council

Your cooperation will be greatly appreciated.

*Carma Reincke*

10-5-77



## THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

office of the mayor

November 2, 1977

### TO THE MEMBERS OF THE COMMON COUNCIL:

The Metropolitan Human Relations Commission can be a very positive force in the City of Fort Wayne. I am happy to be working with the Commission, and its Director, on the reorganization of its staff and its goals to attain the most efficient and effective department alignment. I feel very strongly, however, that changes and improvements must be made in accordance with the laws that govern all city departments, boards and commissions. For this reason, I, Robert E. Armstrong, Mayor of the City of Fort Wayne, hereby veto Bill No. A-77-09-19, Appropriation Ordinance No. A-20-77, for the following reasons:

Sections 2, 3, and 4 of said Appropriation Ordinance attempt to create positions of administrative staff. The law (specifically IC 18-1-7-2) requires that the Mayor and the Executive Branch of city government supervise subordinate offices, and be responsible for good order and efficient government.

Said Sections also attempt to set the salaries of said positions, contrary to IC 18-2-1-10 (b), which states: "The salaries of EACH AND EVERY APPOINTIVE OFFICER, EMPLOYEE, DEPUTY, ASSISTANT AND DEPARTMENTAL AND INSTITUTIONAL HEAD SHALL BE FIXED BY THE MAYOR subject to the approval of the common council...."

I, Robert E. Armstrong, also veto Bill No. S-77-09-20, Special Ordinance No. S-218-77, for the following reasons:

Sections 2 and 3 of said Special Ordinance attempt to create legal positions in the department of Metropolitan Human Relations, contrary to law. IC 18-1-6-13 provides that the City Attorney "...shall have the management,



To the Members of the Common Council

November 2, 1977

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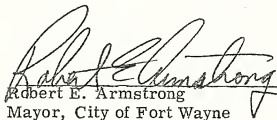
charge and control of the law business of such city and for each branch of its government, shall prosecute all violators of city ordinances, shall be the legal adviser of ALL its departments and officers...." and "he shall conduct ALL legal proceedings authorized by this act, and all appeals of every nature whatsoever in which such city or the public shall have an interest...."

Section 5 would fund a position with monies from the Federal government. When and if such funds are discontinued or reduced, this Section would require the City's already overburdened taxpayers to pick up the responsibility of these proposed positions.

Section 6 is void and illegal for the reasons set forth in paragraphs 2 and 3 above, in that the creation of new positions and the pay therefore can not be at the option and discretion of individual city employees as set forth in this Special Ordinance, but rather are the responsibility of the elected officials of this city, who are answerable to the citizens.

In addition to the reasons set forth above for the veto of both Bills, the Court of Appeals of Indiana has declared unconstitutional the section of IC 22-9-1-12 which authorizes the creation of local human rights commissions. It would be most unwise to increase expenditures of this department at a time when ANY expenditure by said Commission -- and, in fact, its very existence -- is subject to such great doubt.

Dated this 2nd day of November, 1977.

  
Robert E. Armstrong  
Mayor, City of Fort Wayne

REA:ip